

# State of Colorado



**Bill Ritter, Jr.**  
*Governor*

**Rich Djokic**  
*Board Chair*

**Kristin F. Rozansky**  
*Board Director*

**State Personnel Board**  
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## Meeting Minutes September 18, 2007

The State Personnel Board met in public session on Tuesday, September 18, 2007, at the Colorado State Personnel Board, 633 17th Street, Suite 1400, Courtroom 1, Denver, Colorado 80202-3604.

The meeting was called to order at 9:03 a.m. Board Members Roberto Corrada, Dana Shea-Reid, Robert Thompson, and John Zakhem were present in person. Board Member Rich Djokic was present via telephone.

Kristin F. Rozansky, Board Director; Assistant Attorney General Roxane Baca, Board Counsel; and Jane Sprague, General Professional III, were also present in person.

### **I. REPORT OF RICH GONZALES, STATE PERSONNEL DIRECTOR (EXECUTIVE DIRECTOR, DEPARTMENT OF PERSONNEL AND ADMINISTRATION [DPA])**

Jennifer Okes, Executive Deputy Director, DPA, reported to the Board on behalf of Mr. Gonzales on several items. Ms. Okes stated that since last month, several town hall meetings with employees had been held, including at the Health Sciences Center, Colorado State University, Glenwood Springs, and Grand Junction Regional Center. She also stated that there are more such meetings in the planning stages, including in Pueblo and with other employees in Grand Junction, perhaps State Patrol personnel, telecommunications personnel, and others, and that DPA planned to coordinate with the Board on its October Board meeting in Grand Junction. In another area, Ms. Okes reported that the development of universal policies is continuing, with input from human resources (HR) personnel, and policies for sexual harassment and substance abuse or impairment are nearing finalization. She stated that DPA intends to gauge the need for additional policies from HR as to which other policies are universal. Finally, Ms. Okes reported that Ombuds Karen Schaefer is also doing outreach with departments, including employee council personnel, HR, etc.

### **II. REQUESTS FOR RESIDENCY WAIVERS**

A. September 1, 2007 Report on Residency Waivers

Director Rozansky reported that there were currently no new residency waiver requests.

**III. PENDING MATTERS**

There were no pending matters before the Board this month.

**IV. REVIEW OF INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES ON APPEAL TO THE STATE PERSONNEL BOARD**

A. Barbara Pridemore v. Department of Public Health & Environment, State Personnel Board case number 2007G073.

Mr. Thompson moved to reverse the May 10, 2007 Amended Dismissal Order based on the inaccuracy of the Administrative Law Judge's order, which stated that, "8. As of May 3, 2007, Complainant has not filed an information sheet," in order to allow the ALJ to consider the merits of the case based on the parties' information sheets and to render a preliminary recommendation. There was no second. Mr. Corrada then moved that, based on extenuating circumstances, including, but not limited to, the lateness with which Respondent served its mandatory disclosures on Complainant, and the determination that neither party suffers prejudice by a reversal, to remand the matter to the ALJ to consider the merits of the case based on the parties' information sheets and to render a preliminary recommendation. Mr. Thompson seconded the motion. The motion passed on the affirmative vote of the following Board members: Mr. Corrada, Ms. Shea-Reid, and Mr. Thompson. Mr. Zakhem and Mr. Djokic voted in opposition to the motion.

**V. REVIEW OF PRELIMINARY RECOMMENDATIONS OF THE ADMINISTRATIVE LAW JUDGES TO GRANT OR DENY PETITIONS FOR HEARING**

A. Selisa Hall v. Department of Human Services, Colorado Mental Health Institute at Pueblo, State Personnel Board case number 2008G010.

Mr. Djokic moved to adopt the Preliminary Recommendation of the Administrative Law Judge and deny the petition for hearing. Ms. Shea-Reid seconded the motion. The motion passed on the affirmative vote of the following Board members: Mr. Corrada, Mr. Djokic, Ms. Shea-Reid, Mr. Thompson, and Mr. Zakhem.

**VI. INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES**

- A. Robert Todd Gonser v. Department of Transportation, State Personnel Board case number 2007B098 (September 4, 2007).

**VII. REVIEW OF THE MINUTES FROM THE AUGUST 21, 2007 PUBLIC MEETING OF THE STATE PERSONNEL BOARD**

Mr. Djokic moved to approve the minutes of the August 21, 2007 meeting as submitted. Mr. Corrada seconded the motion. The motion passed on the affirmative vote of the following Board members: Mr. Corrada, Mr. Djokic, Ms. Shea-Reid, and Mr. Thompson. Mr. Zakhem abstained from voting as he was not present at the August 21, 2007 meeting.

**VIII. ACKNOWLEDGMENTS**

**DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS AUGUST 21, 2007 PUBLIC MEETING:**

- A. Joseph MacDonald v. Department of Transportation, State Personnel Board case number 2007B030.

The Board voted to strike Complainant's exhibits B through J, except for Exhibits F and G, attached to the Response to Brief on Appeal by Joseph P. MacDonald, and to adopt the findings of fact and conclusions of law in the Initial Decision of the Administrative Law Judge and to make the Initial Decision of the Administrative Law Judge an Order of the Board.

- B. Sarah Rounds v. Department of Human Services, Colorado State Veterans Home at Fitzsimons, State Personnel Board case number 2007G091.

The Board voted to adopt the Preliminary Recommendation of the Administrative Law Judge and to grant the petition for hearing on the issue of discriminatory harassment based on race, sex and retaliation under the Colorado Anti-Discrimination Act.

**IX. REPORT OF DAVID KAYE, DIRECTOR OF THE DIVISION OF HUMAN RESOURCES, DPA**

Laurie Benallo, Manager of the Workforce Planning and Development Unit, reported to the Board on the Division of Human Resources' (DHR) proposal to revise the personal leave or paid time off rules. Ms. Benallo stated that this proposal would be discussed with various focus groups and at town hall meetings, culminating in rulemaking in December 2007. Ms. Benallo told the Board that the person spearheading this project at DHR, Joi Simpson, would be willing to do a presentation to the Board. Director Rozansky stated that since the

Board is meeting in Grand Junction in October, the Board would ask that Ms. Simpson be scheduled to do a presentation to the Board in November.

## **X. ADMINISTRATIVE MATTERS & COMMENTS**

### **A. ADMINISTRATIVE MATTERS**

- Cases on Appeal to the Board and to Appellate Courts
- Mandate - Order Affirmed in Harthan v. Department of Natural Resources, Division of Wildlife, State Personnel Board case number 2006G034, Court of Appeals No. 06CA0728
- Website statistics: June 2007 - 101,841; July 2007 - 145,049; August 2007 - 145,828

### **B. OTHER BOARD BUSINESS**

- Staff Activities

Director Rozansky reported that training was scheduled in the fall for staff, including Judicial Writing by Professor Tanya Bartholomew, which the ALJs, the Board Director, and the Board's Legal Assistant attended on September 14; a Legal Support Staff Writing Class at the Colorado Bar Association for Ms. Sprague and Ms. Woods on September 19; an on-line Evidence Course by the National Judicial Colleges for ALJs Denise DeForest and Hollyce Farrell; the Statewide Alternative Dispute Resolution Conference on September 28, 2007, attended by the Board's ALJs and Legal Assistant; an Ethics course for all staff taught by DPA in October; the Annual Employment Law Seminar for the Board's ALJs and Director; and the mandatory Judicial Ethics for the Board's ALJs, Director and Legal Assistant on November 30.

Mr. Zakhem asked if the Board intended to do another Continuing Legal Education (CLE) presentation. Director Rozansky stated that a CLE was in the planning, but dates were not yet set due to the vigorous training schedule that has been presented to staff for this fall.

### **C. GENERAL COMMENTS FROM ATTORNEYS, EMPLOYEE ORGANIZATIONS, PERSONNEL ADMINISTRATORS, AND THE PUBLIC**

## **XI. PROPOSED LEGISLATION AND/OR RULEMAKING**

## **XII. EXECUTIVE SESSION**

### **A. Case Status Report**

B. Minutes of the August 21, 2007 Executive Session

C. Other Business

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**APPROVED THIS 16th DAY OF OCTOBER, 2007.**

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Rich Djokic, Board Chair

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Roberto Corrada, Member

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Dana Shea-Reid, Member

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Robert Thompson, Member

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John Zakhem, Member